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Adopted at Meeting of 5/18/72

MEMORANDUM

May 18, 1972

2200

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing Date: 8/8/72

Petition No. Z-2470
Skender Mullai
137-139 L Street
South Boston

Petitioner seeks a change in a non-conforming use for a change of occupancy from two apartments and store to two apartments and restaurant in an apartment (H-1) district. The proposal violates the code as follows:

Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing.

The property, located on L Street at the intersection of East Sixth Street, contains a three story frame structure. The petitioner would utilize the street level commercial space, formerly a delicatessen, as a restaurant exclusive of take-out facilities. The proposed non conformity is incompatible with the prevailing residential nature of the neighborhood. The local community has voiced strong opposition. Recommend denial.

VOTED: That in connection with Petition No. Z-2470, brought by Skender Mullai, 137-139 L Street, South Boston, for a change in a non-conforming use for a change of occupancy from two apartments and store to two apartments and restaurant in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. The proposal is incompatible with the prevailing residential nature of the neighborhood. The local community has voiced strong opposition.



Z-2470
137-139 L ST.
(S.B.)

Board of Appeal Referrals 5/18/72

TABLED: 3/30/72
Hearing Date: 6/13/72

Petitions Nos. Z-2441-2442
Chevron Oil Company
241 Market Street & 5
Washington Street, Brighton

Petitioner seeks a conditional use and two variances to erect a one story inspection bay addition to a gasoline service station in a local business (L-.5) district and a conditional use to erect a pump island and canopy addition to a gasoline service station in a local business (L-1) district. The proposal violates the code as follows:

241 Market Street

- Section 8-7. A gas station is conditional in an L-.5 district.
Section 18-1. Area light and sign are located within required front yard (Market Street).
Section 18-4. Area lights are within required front yard (Faneuil Street).

5 Washington Street

- Section 8-6. A change in a conditional use requires a Board of Appeal hearing.

The properties, located at the intersections of Market and Faneuil Streets and Washington and Corey Streets, contain two gas service stations. The staff has no objection to the proposed improvements provided they comply with the Board of Appeal guidelines for gas service stations. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-2441-2442, brought by Chevron Oil Company, 241 Market Street and 5 Washington Street, Brighton, for a conditional use and two variances to erect a one story inspection bay addition to a gasoline service station in a local business (L-.5) district and a conditional use to erect a pump island and canopy addition to a gasoline service station in a local business (L-1) district, the Boston Redevelopment Authority recommends approval, provided that the proposed improvements comply with the Board of Appeal guidelines for gas service stations.



MC. KINNEY
PLAYGROUND

Z-2441
241 MARKET ST. (BRI.)

FANEUIL BOSTON HOUSING DEVELOPMENT AUTHORITY
200.4

ST. COLUMILLE SCHOOL

MARKET

EICSTER

RYAN ROAD

KEENAN ROAD

SANDERBORN ROAD

ROAD

ELMIRA

MORROW ROAD

GARDENIA

CYPRESS ROAD

SAYBROOK

MONTCALM

GLENCOE

MAPLETON

PLAYGROUND

STREET

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Z-2442
5 WASHINGTON ST.
(BRI.)

FIFTH

EAST

51

Board of Appeal Referrals 5/18/72

Hearing Date: 7/19/72

Petition No. Z-2475
Rose Hagopian
25 Greenough Avenue
Jamaica Plain

Petitioner seeks a forbidden use and seven variances for a change of occupancy from one to three families in a residential (R-.5) district. The proposal violates the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A dwelling converted for more families is forbidden in an R-.5 district.		
Section 14-1.	Lot area is insufficient.	2 acres	5,454 sf
Section 14-3.	Lot width is insufficient.	200 feet	54 ft.
Section 14-4.	Street frontage is insufficient.	200 feet	54 ft.
Section 15-1.	Floor area ratio is excessive.	0.5	0.6
Section 16-1.	Height of building is excessive.	2 stories	2½ stories
Section 17-1.	Open space is insufficient.	1000 sf/du	881 sf/du
Section 18-1.	Front yard is insufficient.	25 ft.	22 ft.

The property, located on Greenough Avenue near the intersection of Alveston Street, contains a 2½ story frame structure. The proposed conversion is consistent with the residential character of the neighborhood. Petitioner states two off-street parking spaces are available but they are not indicated on the submitted plan. The staff recommends that these parking facilities be provided. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2475, brought by Rose Hagopian, 25 Greenough Avenue, Jamaica Plain, for a forbidden use and seven variances for a change of occupancy from one to three families in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval provided at least two off-street parking facilities are supplied. The proposed conversion is consistent with the residential character of the neighborhood.

This is a detailed street map of a neighborhood in Jamaica, Queens, New York. The map shows a grid of streets including Seaverns Avenue, Alveston Street, Greenough Avenue, and others. Key landmarks such as the Jamaica Plain High School, the Municipal Building, and the Central Congregational Church are labeled. A specific location is marked with a red dot and labeled 'Z-2475 25 GREENOUGH AVE. (J.P.)'. The map also shows various smaller streets like Seaverns Lane, Brown Street, and Thomas Street.

Board of Appeal Referrals 5/18/72

Hearing Date: 6/13/72

Petition No. Z-2479

Joseph Krol
153 Bigelow Street,
Brighton

Petitioner seeks a conditional use and a variance to erect a two-story day care center in a single family (S-.5) district. The proposal violates the code as follows:

Section 8-7. A day care center is conditional in an S-.5 district.

Section 10-1. Parking is not allowed in front yard.

The property, located on Bigelow Street near the intersection of Charlesview Street, contains 30,548 square feet of land. The proposed facility for 100 children would be contrary to the conditions required for approval under Section 6-3 of the code: the site is inappropriate; the activity generated by the facility would have an injurious effect on the largely single family neighborhood; the resultant traffic would create a problem of congestion and parking on a local narrow residential street. There has been adverse reaction from the community to the proposed facility. Recommend denial.

VOTED: That in connection with Petition No. Z-2479, brought by Joseph Krol, 153 Bigelow Street, Brighton, for a conditional use and a variance to erect a two-story day care center for 100 children in a single family (S-.5) district, the Boston Redevelopment Authority recommends denial. The proposed facility would be contrary to the conditions required for approval under Section 6-3 of the code: the site is inappropriate; the activity generated by the facility would have an injurious effect on this single family neighborhood; the resultant traffic generated would create a problem of congestion and parking on a local narrow residential street. There has been adverse reaction from the community to the proposed facility.



Z-2479
159 BIGELOW ST.
(BRI.)

Board of Appeal Referrals 5/18/72

Hearing Date: 6/13/72

Petitions Nos. Z-2480-2483
Ready Realty Trust
24-26, 25, 37-41 P Street;
881-883 East Second Street;
798 (rear) East Third Street,
South Boston

Petitioner seeks four forbidden uses, a conditional use and four variances for a change of occupancy from store, restaurant and four car garage to light manufacturing and storage of electrical lanterns, to erect a two story addition and use premises for six car parking lot in a residential (R-.8) and local business (L-.5) district. The proposal violates the code as follows:

24-26 P Street

Req'd

Proposed

Section 8-7. A parking lot is conditional in an L-.5 district.

25 P Street

Section 8-7. Manufacturing of lanterns is forbidden in an L-.5 district.

Section 8-7. Storage of lanterns is forbidden in an L-.5 district.

37-41 P Street & 881-883 East Second Street

Section 8-7. Manufacturing of lanterns is forbidden in an L-.5 district.

Section 15-1.	Floor area ratio is excessive.	0.5	1.3
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Section 18-1.	Front yard is insufficient.	15 ft.	0
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Section 20-1.	Rear yard is insufficient.	20 ft.	0
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Section 23-5.	Off street parking is insufficient.	43	0
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798 (rear) East Third Street

Section 8-7. Storage of electrical lanterns is forbidden in an L-.5 district.

The property, located on P Street at the intersection of East Second Street, contains an industrial complex. The store-restaurant structure is already utilized; an unsightly frame building would be replaced by the proposed two story manufacturing extension. The staff recommends the following provisos: that at least one half of the required off street parking be supplied on the lot; that no parking be permitted on the ancillary lot at 24-26 P Street; that the property be suitably landscaped and screened from residential properties on East Second and Third Streets; that any noise resulting from the operation be effectively confined to the premises. Recommend approval with provisos.

Board of Appeal Referrals 5/18/72

Petitions Nos. Z-2480-2483

VOTED: That in connection with Petitions Nos. Z-2480-2483, brought by Ready Realty Trust, 24-26, 25, 37-41 P Street, 881-883 East Second Street, 798 (rear) East Third Street, South Boston, for four forbidden uses, a conditional use and four variances for a change of occupancy from store, restaurant and four car garage to light manufacturing and storage of electrical lanterns, to erect a two story addition and use premises for six car parking lot in a residential (R-.8) and local business (L-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that at least one half of the required off street parking be supplied on the lot; that no parking be permitted on the ancillary lot at 24-26 P Street; that the property be suitably landscaped and screened from residential properties on East Second and Third Streets; that any noise resulting from the operation be effectively confined to the premises.

Board of Appeal Referrals 5/18/72

Hearing Date: 8/15/72

Petition No. Z-2484
Nebah & Eva Bethoney
294 South Street
Jamaica Plain

Petitioner seeks a forbidden use for a change of occupancy from an office to a one family and restaurant in a residential (R-.5) district. The proposal violates the code as follows:

Section 8-7. A restaurant is forbidden in an R-.5 district.

The property, located on South Street between Asticou Road and St. Ann Street, contains a 2½ story single family dwelling formerly used by a Red Feather Agency as an office. It is now proposed to extend the non conformity by creating a first floor restaurant for the service or sale of food or drink for on-premises consumption. The proposal would have a serious and disturbing effect on this one and two family neighborhood. Existing congested traffic conditions and narrow streets further preclude any commercial encroachment. Recommend denial.

VOTED: That in connection with Petition No. Z-2484, brought by Nebah & Eva Bethoney, 294 South Street, Jamaica Plain, for a forbidden use for a change of occupancy from an office to a one family and restaurant in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The proposed non-conforming extension of this single family dwelling would have a serious and disturbing effect on this low density neighborhood. Existing congested traffic conditions and narrow streets further preclude any commercial encroachment.

Z-2484
294 SOUTH ST.
(J.R.)



Board of Appeal Referrals 5/18/72

Hearing Date: 8/15/72

Petition No. Z-2486
Samuel Weisman
913 River Street
Hyde Park

Petitioner seeks a conditional use for a change of occupancy from two apartments and store to two apartments and take-out restaurant in a local business (L-.5) district. The proposal violates the code as follows:

Section 8-7. Sale over the counter of on-premises prepared food or drink for off-premises consumption or for on-premises consumption is, as so sold, such food or drink is ready for take-out, is conditional in an L-.5 district.

The property, located on River Street near the intersection of Reddy Avenue, contains a 2½ story frame structure. The proposed pizza and sub shop restaurant is undesirable. There are no off-street parking accommodations for the traffic this use generates. Odors from exhaust fans could have an undesirable effect on adjacent residential properties. Recommend denial.

VOTED: That in connection with Petition No. Z-2486, brought by Samuel Weisman, 913 River Street, Hyde Park, for a change of occupancy from two apartments and store to two apartments and take-out restaurant in a local business district (L-.5), the Boston Redevelopment Authority recommends denial. The proposed restaurant facility is undesirable. There are no off street parking accommodations for traffic this use generates. Odors from exhaust fans could have an undesirable effect on the adjacent residential properties.



(H.R.)

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PLAYGROUND

STREET

WESLEY STREET

REDDY

AVENUE

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Board of Appeal Referrals 5/18/72

Hearing Date: 5/23/72

Petition No. Z-2487
Trustees of Boston College
Portia Law School Corp. (New
England School of Law)
120-126 Newbury Street, Boston

Petitioner seeks a conditional use for a change of occupancy from a chapel and offices to a law school and retail stores in a general business (B-4-70) district. The proposal violates the code as follows:

Section 8-7. A college granting degrees by authority of the Commonwealth of Massachusetts is conditional in a B-4-70 district.

The property, located on Newbury Street between Clarendon and Dartmouth Streets, contains a six story masonry structure. It is proposed to utilize the basement and the second through the sixth floors as a law school; retail stores would occupy the street floor. The staff recommends the following conditions: (a) plans and documents of proposed alterations, modifications and allocations of interior space be submitted to the Authority for design review approval; these plans should include provisions for cafeteria and recreation space; (b) street floor retail use must be acceptable to Back Bay Association; (c) provision of one parking space for each third day time student enrolled or submit evidence why this requirement is not necessary. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2487, brought by Trustees of Boston College and Portia Law School Corp. (New England School of Law), 120-126 Newbury Street, Boston, for a conditional use for a change of occupancy from a chapel and offices to a law school and retail stores in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval with the following provisos:

- (a) plans and documents of proposed alterations, modifications and allocations of interior space be submitted to the Authority for design review approval; these plans should include provisions for cafeteria and recreation space;
- (b) street floor retail use must be acceptable to Back Bay Association;
- (c) provision of one parking space for each third day time student enrolled or submit evidence why this requirement is not necessary.

Z-2487
120-126 NEWBURY ST.
(B.R.)

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Board of Appeal Referrals 5/18/72

Hearing Date: 6/13/72

Petition No. Z-2491
Martin DeMatteo, Jr.
University Brink, Inc. (Lessee)
785 Gallivan Boulevard
Dorchester

Petitioner seeks two variances to erect a billboard sign in a light manufacturing (M-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 18-1. Front yard is insufficient.	20 ft.	0
Section 20-1. Rear yard is insufficient.	20 ft.	0

The property, located on Gallivan Boulevard near the intersection of Neponset Avenue and Morrissey Boulevard, contains 3,535 square feet of vacant land. It is proposed to erect a double faced billboard sign overlooking the Southeast Expressway. The proposal would increase the hazard of motorist distraction on the congested x-way and intensify the visual pollution already prevalent in this area. In January, 1971, the Board of Appeal denied the appellant a similar petition; the Authority concurred. Recommend denial.

VOTED: That in connection with Petition No. Z-2491, brought by Martin DeMatteo, Jr., 785 Gallivan Boulevard, Dorchester, for two variances to erect a billboard sign in a light manufacturing district, the Boston Redevelopment Authority recommends denial. The proposal would increase the hazard of motorist distraction on the congested Expressway and intensify the visual pollution already prevalent in this area.

Z-2491

785 GALLIVAN BLVD.

(DOR.)



Board of Appeal Referrals 5/18/72

Hearing Date: 8/22/72

Petition No. Z-2492

Emile Lingertat

502 Adams Street, Dorchester

Petitioner seeks a forbidden use to legalize an existing occupancy, one family dwelling and beauty shop, in a residential (R-.5) district. The proposal violates the code as follows:

Section 8-7. A beauty shop is forbidden in an R-.5 district.

The property, located on Adams Street near the intersection of Glenrose Street, contains a 2½ story frame structure. In 1969, the Authority recommended approval for a change of occupancy from a two family dwelling to a one family and beauty shop. The Board of Appeal, concurring with the Authority, included a proviso terminating the first floor beauty shop on or before January 30, 1972. The petitioner now requests relief from this proviso. The staff has no objection; the facility has not had any ill effect on the neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-2492, brought by Emile Lingertat, 502 Adams Street, Dorchester, for a forbidden use to legalize an existing occupancy, one family dwelling and beauty shop, in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The facility has not had any ill effect on the neighborhood.



Z-2492
502 ADAMS ST.
(DOR.)

Board of Appeal Referrals 5/18/72

Hearing Date: 6/13/72

Petition No. Z-2493
New England Tel. & Tel. Co.
174-178 Adams Street, Dorchester

Petitioner seeks a forbidden use and three variances to use premises for an off-street parking area in a residential(R-.8) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A parking lot is forbidden in an R-.8 district.		
Section 18-1. Front yard is insufficient.	25 ft.	20 ft.
Section 19-1. Side yard is insufficient.	10 ft.	5 ft.
Section 20-1. Rear yard is insufficient.	40 ft.	10 ft.

→ The property, located on Adams Street near the intersection of Robinson Street, contains a parking lot operated by the petitioner under a temporary permit. Petitioner now requests permanent approval for a 55 car employee parking area. The staff recommends the following: that the area be fenced on all sides; that suitable planting also be provided along the side lot lines to screen abutting residential properties; that lighting not intrude on abutting residences. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2493, brought by New England Tel. & Tel. Co., 174-178 Adams Street, Dorchester, for a forbidden use and three variances to use premises for an off-street parking area in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the following conditions: that the area be fenced on all sides; that suitable planting also be provided along the side lot lines to screen abutting residential properties; that lighting not intrude on abutting residences.



Z-2493
174-178 ADAMS ST.
(DOR.)

Board of Appeal Referrals 5/18/72

Hearing Date: 7/11/72

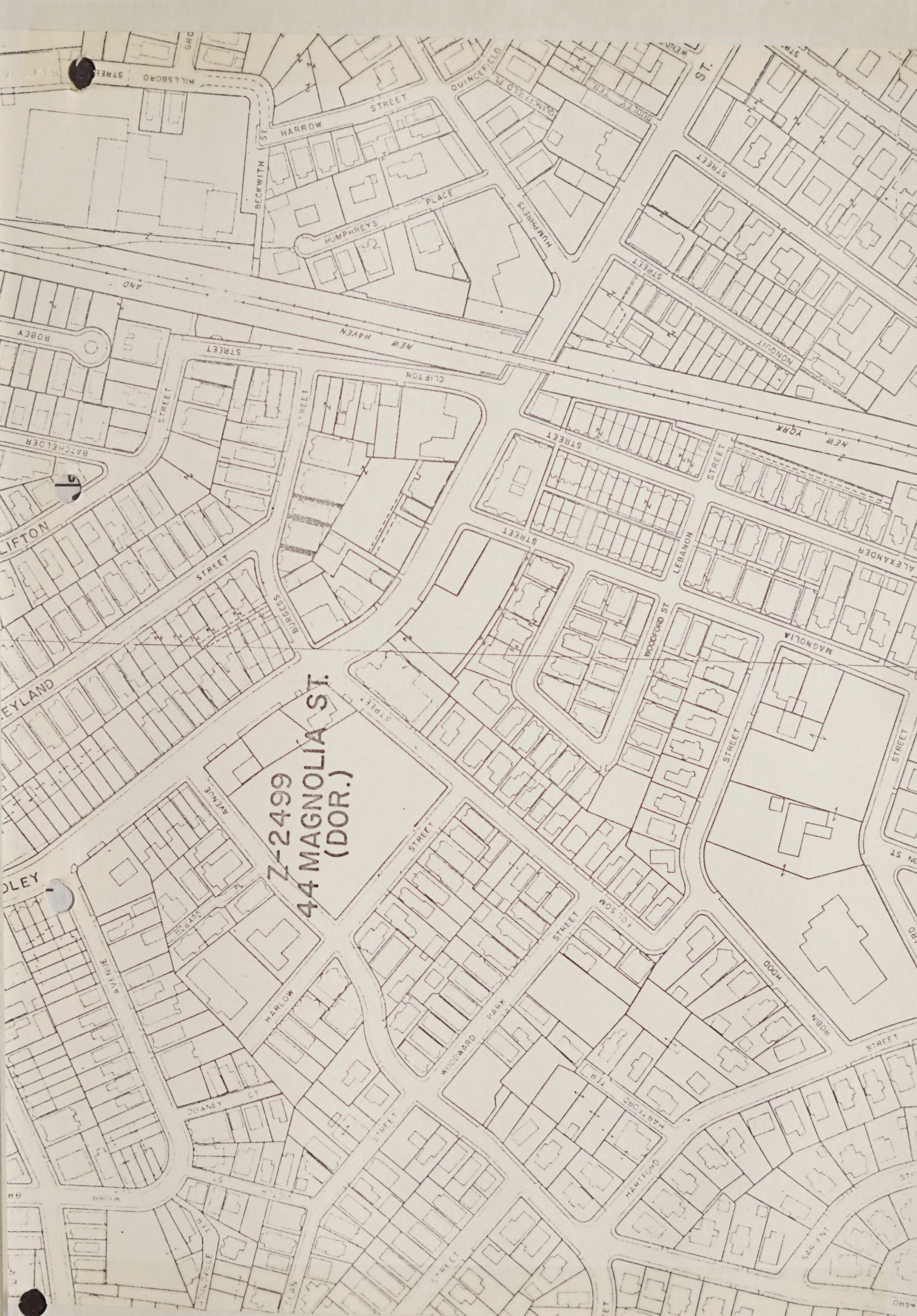
Petition No. Z-2499
Parkchester Associates
Richard A. Giesser
14 Magnolia Street
Dorchester

Petitioner seeks a forbidden use and two variances for a change of occupancy from one to two families in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A dwelling converted for more families not meeting the requirements of lot area and open space is forbidden in an H-1 district.		
Section 14-1. Lot area for additional dwelling unit is insufficient.	1000 sf/du	380 sf/du
Section 17-1. Open space is insufficient.	400 sf/du	288 sf/du

The property, located on Magnolia Street near the intersection of Dudley Street in the Model Cities Area, contains a three story brick structure which would be completely rehabilitated. The proposed three and four bedroom units would be utilized by low income families. The site is proximate to public transportation and local facilities. Recommend approval.

VOTED: That in connection with Petition No. Z-2499, brought by Parkchester Associates, 14 Magnolia Street in the Model Cities Area of Dorchester, for a forbidden use and two variances for a change of occupancy from one to two families in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. The proposed three and four bedroom units would be utilized by low income families. The site is proximate to public transportation and local facilities.



Z-2499
44 MAGNOLIA ST.
(DOR.)

